

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

James Willie Washington,

Plaintiff,

vs.

Anthony Willard Coe & Papa Trucking, LLC,

Defendants.

**DEFENDANTS' NOTICE OF  
REMOVAL**

1. Defendants, Anthony Willard Coe & Papa Trucking, LLC, [hereinafter referred to as "Defendants"], file this Notice of Removal of the above-titled action from the Circuit Court of Dillon County, South Carolina, to the United States District Court for the District of South Carolina, Florence Division, pursuant to 28 U.S.C. § 1441.

2. The above-titled action was instituted by Plaintiff against Defendants by the service of a Summons and Complaint filed on August 2, 2021. Defendants were served pursuant to Rule 4(j) of the S.C. Rules of Civil Procedure by their attorney of record. The action is currently pending in the Circuit Court for Dillon County, South Carolina, Case No. 2021-CP-17-00252. No further proceedings have been filed, and the Summons and Complaint constitute all process, pleadings and orders served in this action. Pursuant to 28 U.S.C. § 1446(a), a copy of the Summons and Complaint is filed herewith.

3. There is jurisdiction over this removed action pursuant to 28 U.S.C. § 1441 because this action could have originally been filed in this court pursuant to 28 U.S.C. § 1332. Specifically, this suit is removable because, as set forth more fully below, there is complete diversity of citizenship between Plaintiff and Defendants. Additionally, upon information and belief, based on the Plaintiff James Willie Washington's alleged physical injuries and other

claimed injuries and damages, including punitive damages, the amount in controversy claimed to be in excess \$75,000.00, exclusive of interests and costs.

4. At the time of commencement of the action, Plaintiff was and still is a citizen of South Carolina. Defendant Anthony Willard Coe is a citizen and resident of the State of North Carolina. Defendant Papa Trucking, LLC, was at the time of the commencement of the action, and still is, a business entity organized and existing under the laws of a state other than South Carolina and having their principal place of business in a state other than South Carolina. Specifically, pursuant to 28 U.S.C. § 1332(c)(1), Papa Trucking, LLC, is a domestic corporation organized and existing under the laws of the State of North Carolina and was authorized to conduct business and does conduct business within the State of North Carolina and the State of South Carolina, including the County of Dillon. The sole member of Papa Trucking, LLC is Ibrahim Coulibaly. Mr. Coulibaly is a citizen and resident of the State of North Carolina.

5. Plaintiff's allegations arise out of an alleged incident wherein Plaintiff James Willie Washington was driving a 2004 Nissan traveling north on Interstate 95 in the County of Dillon, South Carolina. Defendant Anthony Willard Coe, while in the course of his employment with Defendant Papa Trucking, LLC, was driving a 1999 freightliner truck with the consent and permission of the owner, Papa Trucking, LLC, traveling south on Interstate 95 in the County of Dillon, South Carolina. Plaintiff alleges the 1999 freightliner truck experienced equipment failure when the left front tire purportedly separated from the wheel and crossed into the northbound lanes of traffic on Interstate 95 where it is claimed to have struck the Plaintiff's vehicle causing a collision that resulted in property damage and personal injuries. *See* Complaint ¶¶ 8, 9, 10, 11. Plaintiff alleges damages for his bodily injuries, including past and future medical expenses, past and future lost wages, physical and mental pain and suffering, permanent

disability, punitive damages. *See* Complaint, ¶ 19 and prayer for relief. Therefore, upon information and belief, the value of the matter in dispute exceeds the sum of Seventy-Five Thousand and No/100 (\$75,000.00) Dollars, exclusive of interest and costs and said action is one over which the District Court of the United States has original jurisdiction under 28 U.S.C. § 1332.

6. Defendants hereby give counsel for Plaintiff written notice of the removal of this action and will provide a copy of this Notice of Removal to the Clerk of Court for Dillon County, as required by 28 U.S.C. § 1446(d).

7. Defendants file this Notice of Removal within thirty (30) days of the receipt of Plaintiff's Complaint in the state court action, which was the first pleading received by Defendants setting forth the claims for relief upon which this action is based.

WHEREFORE, Defendants respectfully submit this Notice of Removal of the state court action to this Court this 30th day of August 2021.

*s/Matthew C. LaFave*

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